

REMARKS

Claim 1 has been amended. Claim 37 has been added. Claims 1-29 and 32 and 37 are pending. Reconsideration and allowance are respectfully requested.

Claim Rejections 35 USC § 101

The Examiner has rejected claims 21-24 under 35 U.S.C. § 101 on the ground that the broadest reasonable interpretation of the claimed invention encompasses a human being. This rejection is respectfully traversed and reconsideration is requested.

Claims 21-24 are directed to a “computer-controlled sensory generator” that delivers matter or energy that is detectable by the human senses. Examples might include perfume that can be smelled, a loud sound that could be heard, or heat that could be felt. None of these claims read on any portion of a human. In terms of patentable subject matter, they are no different than a flashlight – a device that has long-since been recognized as constituting patentable subject matter. Both are an article of manufacture. The mere fact that the flashlight produces energy that is detectable by a human has never rendered it non-statutory. The same is true of claims 21-24. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections 35 USC § 103

The Examiner has rejected claims 1-4, 11-17, and 20-23 under 35 U.S.C. § 103(a) as being unpatentable over Ritchey (5,310,794) in view of Ohshima et al. (2003/0032484) and Lyons (6,181,343). Claim 1 has been amended. As amended, this rejection is respectfully traversed and reconsideration is requested.

Claim 1 is directed to an interactive environment that is partially real and partially simulated. It includes a structure, a display associated with the structure, and a real, three-dimensional object positioned within the structure. All three cooperate to form a seamless and integrated scene that is directly viewable by an individual. The images in the display form only a part of this scene and do not include the real object.

The display in Ritchey is not interactive, as required by claim 1. There is also no disclosure of a real object and structure that cooperate to form a seamless and integrated scene,

as also required by amended claim 1. Richey's only apparent relevance to claim 1 is that it discloses a display.

Ohshima et al. is directed to a head-mounted display device that constitutes the entire scene that is viewed by the individual, *see* item 1001 in FIG. 4. The display does not "cooperate with [a] directly viewable real object and [a] structure to form [an] integral and seamless scene," as required by amended claim 1. Further, the real object in Ohshima et al. is included among the images that are displayed by the display, *see ¶ [0103]*, again failing to meet the requirement of amended claim 1 that "the content [of the images that are displayed] does not include the real object." In fact, Ohshima is exactly opposite of what is now required by amended claim 1. Amended claim 1 requires a virtual image to be a part of and to be seamlessly integrated into a real environment that has a real object that is separate from the virtual image. Ohshima provides only a virtual image in which the real image appears.

Lyons does not disclose a real object or a structure that cooperates with the display to form a seamless and integrated scene, as required by claim 1.

Even if Richey, Ohshima and Lyons were combined, the combination would still not have had important elements of amended claim 1. For example, the combination would still not have resulted in a seamless and integrated scene made up of a directly-viewable real object, a display that did not display the directly-viewable object, and a related structure.

There was also no reason to have modified Richey to have the viewer wear the head-mounted display of Ohshima. To the contrary, this would have blocked his or her view of the panoramic room in Richey, defeating its purpose.

Also significant is the fact that the invention of claim 1 has received significant public recognition. Attached as Exhibit 1 is a transcript of a CNN broadcast that touted the invention on December 6, 2004. Attached as Exhibit 2 is an Associated Press release that similarly paid tribute to the invention. Articles paying tribute to the invention constitute further evidence of non-obviousness. *See, e.g., Emerson Electric Co. v. Spartan Tool, LLC*, 223 F. Supp.2d 856, 915-16 (N.D. Ohio 2002), *Turbocare Division of Demag Delaval Turbomachinery Corp. v. General Electric Co.*, 214 F. Supp.2d 170, 182 (D. Mass. 2002); *Vulcan Engineering Co., Inc. v. Fata Aluminium, Inc.*, 278 F.3d 1366, 1373 (Fed. Cir. 2002); *Warner-Jenkinson Co. v. Allied*

Chem. Corp., 477 F. Supp. 371, 393, 206 USPQ 837, 855 (S.D. N.Y. 1979), aff'd, 633 F.2d 208 (2d Cir. 1980); *Jenn-Air Corp. v. Modern Maid Co.*, 499 F. Supp. 320, 209 USPQ 295 (D. Del. 1980), aff'd, 659 F.2d 1068 (3d Cir. 1981).

Claims 2-4, 11-17, and 20-23 are dependent upon amended claim 1 and thus are also not unpatentable over Ritchey in view of Ohshima and Lyons for the reasons stated above in connection with claim 1.

Claim 21 also requires the processing system of claim 1 that delivers images to also control a computer-controlled sensory generator. Nowhere does the information pointed to by the Examiner in Lyons about sound effects disclose that they are computer-controlled or that they are controlled by the same processing system that delivers the images.

Claim 22 is dependent upon claim 21 and thus is also not rendered unpatentable by Ritchey, Ohshima et al., and Lyons for the same reasons as stated above in connection with claim 21. Claim 22 also requires the processing system to control the delivery of sensory information, other than a display, as a function of the interaction between the individual and the scene. Although Lyons does disclose the use of sound effects, Lyons does not disclose that these sound effects are controlled "as a function of interaction between the individual and the scene," as required by claim 22. Indeed, not even the Examiner has contended otherwise.

The Examiner has rejected claims 5-10, 18 and 19 under 35 U.S.C. 103(a) as being unpatentable over Ritchey (5,310,794) in view of Ohshima et al. (2003/0032484) and Lyons (6,181,343) as previously applied to claims 1-4, and further in view of Santodomingo et al. (7,038,694). Claim 1 has been amended. As amended, this rejection is respectfully traversed and reconsideration is requested.

Claims 5-10, 18 and 19 are dependent upon amended claim 1. Nowhere does the Examiner contend that Santodomingo et al. made up for the inability of Ritchey, Ohshima and Lyons to render claim 1 unpatentable, as explained above in connection with the discussion of claim 1. Thus, claims 5-10, 18 and 19 are also patentable in view of Ritchey, Ohshima, Lyons, and Santodomingo et al.

Claim 6 also requires a real, operable door to be positioned in front of the wall display. Ohshima did not disclose this. Although Ohshima did disclose displaying a real object in a head-

mounted display, this is not the same as positioning a real, operable door in front of a wall display. It is well established that a generic disclosure does not anticipate each of its species. With the configuration of claim 6, the door could be opened and the wall display might be programmed to display what would normally be seen behind the opened door. This provides a significant additional level of realism to the partially real and partially simulated interactive environment. Applicant also respectfully disagrees that it would have otherwise been obvious to have used a real, operable door positioned in front of the wall display. Should the Examiner continued to contend otherwise, Applicant respectfully requests that the Examiner cite prior art that discloses such a feature so that Applicant can have an opportunity to respond.

Claims 7-9 also and similarly require the placement of a real window (claim 7), a real window that can be physically opened or closed (claim 8), or a real window with shutters (claim 9) in front of the wall display. The points applicant made above in connection with claim 6 apply equally here. Again, should the Examiner continue to contend that these were merely obvious variations of Ohshima's head-mounted display, Applicant again respectfully requests that the Examiner cite prior art that discloses these features so that Applicant can have an opportunity to respond.

Claim 10 also requires a simulated scene to be displayed within the opening of a window or door. Santodomingo et al. did not disclose this. Although Figure 8 in Santodomingo did disclose an image of a door in a wall, it did not disclose the display of a simulated scene within the opening of that door, as required by claim 10. Applicant also does not agree that it was obvious to have modified Santodomingo et al. to have done this and asks the Examiner to cite prior art that discloses such a feature should the Examiner continue to assert this position.

Claim 18 also requires the structure, display and real object to cooperate to create the environment of a building having a plurality of rooms. Again, this was not disclosed by Santodomingo et al. The fact that it might have disclosed "the ability to apply different textures to different parts of the display," as stated by the Examiner on page 15 of the office action, did not anticipate every species of such a generic disclosure, such as the species that is the subject of claim 15. Again, should the Examiner continue to contend that this was an obvious variation, Applicant respectfully requests citation to prior art that disclosed such a species.

Claim 19 also requires the structure, display and real objects to cooperate to create the environment of an alleyway. Again, this was not disclosed by Satodomingo et al. The fact that it might have disclosed “the ability to apply different textures to different parts of the display,” as stated by the Examiner on page 15 of the office action, did not anticipate every species of such a generic disclosure, such as the species that is the subject of claim 19. Again, should the Examiner continue to contend that this was an obvious variation, Applicant respectfully requests citation to prior art that disclosed such a species.

The Examiner rejected claims 21, 24, 26, and 28 under 35 U.S.C. 103(a) as being unpatentable over Ritchey (5,310,794) in view of Ohshima et al. (2003/0032484) and Lyons (6,181,343) as previously applied to claim 1, and further in view of Latypov et al. (6,563,489). Claim 1 has been amended. As amended, this rejection is respectfully traversed and reconsideration is requested.

Claims 21, 24, 26, and 28 are dependent upon amended claim 1. Nowhere does the Examiner contend that Latypov et al. made up for the inability of Ritchey, Ohshima, and Lyons to render claim 1 unpatentable, as explained above in connection with claim 1. Thus, claims 21, 24, 26, and 28 are also patentable in view of Ritchey, Ohshima, Lyons, and Latypov et al.

Claim 21 also requires the processing system of claim 1 that delivers images to also control a computer-controlled sensory generator. Nowhere does the information pointed to by the Examiner disclose that the air conditioner in Latypov et al. is a computer-controlled air conditioner or that it is controlled by the same processing system that delivers the images.

Claims 24, 26, and 28 are dependent upon claim 21 and thus are also not rendered unpatentable by Ritchey, Ohshima et al., Lyons, and Latypov et al. for the same reasons stated above in connection with claim 21.

Claim 24 also requires the sensory generator to generate floor movement. Although Latypov et al. appears to have been capable of sensing floor movement, the Examiner does not cite any portion that disclosed generating floor movement by a sensory generator, as required by this claim.

The Examiner rejected claims 21, 24, and 25 under 35 U.S.C. 103(a) as being unpatentable over Ritchey (5,310,794) in view of Ohshima et al. (2003/0032484) and Lyons

(6,181,343) as previously applied to claim 1, and further in view of Tanide et al. (6,201,516). 489). Claim 1 has been amended. As amended, this rejection is respectfully traversed and reconsideration is requested.

Claims 21, 24, 25 are dependent upon amended claim 1. Nowhere does the Examiner contend that Tanide et al. made up for the inability of Ritchey, Ohshima, and Lyons to render claim 1 unpatentable, as explained above in connection with the discussion of claim 1. Thus, claims 21, 24, and 25 are also patentable in view of Ritchey, Ohshima, Lyons, and Tanide et al.

Claim 21 also requires the processing system of claim 1 that delivers images to also control a computer-controlled sensory generator. Nowhere does the information pointed to by the Examiner disclose that the seat in Tanide et al. was computer-controlled or that it was controlled by the same processing system that delivered the images.

Claims 24 and 25 are dependent upon claim 21 and thus are also not rendered unpatentable by Ritchey, Ohshima et al., Lyons, and Tanide et al. for the same reasons as discussed above in connection with claim 21.

The Examiner rejected claims 21 and 27 under 35 U.S.C. 103(a) as being unpatentable over Ritchey (5,310,794) in view of Ohshima et al. (2003/0032484) and Lyons (6,181,343) as previously applied to claim 1, and further in view Dowling et al. (2003/0057884). Claim 1 has been amended. As amended, this rejection is respectfully traversed and reconsideration is requested.

Claims 21 and 27 are dependent upon amended claim 1. Nowhere does the Examiner contend that Dowling et al. made up for the inability of Ritchey, Ohshima, and Lyons to render claim 1 unpatentable, as explained above in connection with the discussion of claim 1. Thus, claims 21, 24, and 25 are also patentable in view of Ritchey, Ohshima, Lyons, and Dowling et al.

Claim 21 also requires the computer-controlled sensory generator to be “other than a display.” The LEDs to which the Examiner points in Dowling et al. are a form of display and thus do not anticipate this additional claim element.

Claim 25 is dependent upon claim 21 and thus is also not rendered unpatentable by Ritchey, Ohshima et al., Lyons, and Dowling et al. for the same reasons as discussed above in connection with claim 21.

The Examiner rejected claim 29 under 35 U.S.C. 103(a) as being unpatentable over Ritchey (5,310,794) in view of Ohshima et al. (2003/0032484) and Lyons (6,181,343) as previously applied to claim 1, and further in view Sauer (2002/014708). Claim 1 has been amended. As amended, this rejection is respectfully traversed and reconsideration is requested.

Claim 29 is dependent upon amended claim 1. Nowhere does the Examiner contend that Sauer made up for the inability of Ritchey, Ohshima, and Lyons to render claim 1 unpatentable, as explained above in connection with the discussion of claim 29. Thus, claim 29 is also patentable in view of Ritchey, Ohshima, Lyons, and Sauer.

The Examiner has rejected claim 32 under 35 U.S.C. 103(a) as being unpatentable over Ritchey (5,310,794) in view of Lyons (6,181,343). This rejection is respectfully traversed and reconsideration is requested.

Claim 32 is directed to, *inter alia*, “a set of modular walls that releasably connect to and disconnect from one another to facilitate the assembly, disassembly, shipment and re-assembly of [an] interactive environment in various different configurations.” Nowhere does the Examiner contend that this feature was disclosed by Ritchey or Lyons, either alone or in combination. Although the Examiner states that Ritchey “is comprised of framework (9) and supports (10), which hold display units (11),” Office Action at p. 6, this is not the same as walls that “releasably connect to and from one another to facilitate the assembly, disassembly, shipment and re-assembly of [an] interactive environment in various different configurations,” as required by Claim 32.

New Claim 37

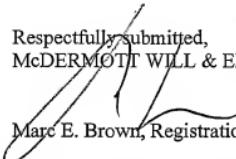
New claim 37 has been added. It represents a combination of the elements of claims 1 and 32. As explained above, claims 1 and 32 are patentable in view of the cited references. Claim 37 is therefore even less obvious and thus also patentable in view of the cited references.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that this application is now in condition for allowance and early notice of same is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501946 and please credit any excess fees to such deposit account.

Respectfully submitted,
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